

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

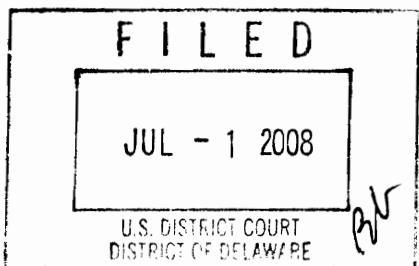
Jimmie Lewis

v.

CA NO. 06 - 778 (ems)

THOMAS L. CARROLL, ET AL

MOTION FOR PRELIMINARY INJUNCTION  
# 3, PURSUANT TO FED R.CIV P# 65



DATE : 6/25/08

Jimmie Lewis  
Jimmie Lewis  
SBI # 506622  
D.C.C.  
1181 PADDACK RD  
Smyrna, DE 19971

P.I) at or about 12:00 pm at the D.C.C  
on Apr. 1 30, 08 Warden Phelps, Staff LT Karen Hawkins  
and several D.O.C officials toured SHU 18, for  
what appeared to be a tour of execution, so  
everyone thought, due to SHU 18 housing  
death row inmates. But to everyone's  
surprise, the tour was extended to SHU 17  
(A) unit from about 1:00 pm, until 1:30 pm.

P.II) the same day on Apr. 1 30, at about  
7:00 pm while I was in SHU 17 (A) L 1, Yo Tilgman  
gave me legal mail, for which omitted toxic  
fumes, that in minutes thereafter caused me  
to feel symptoms of light headedness, nauseated,  
drowsy, throbbing headache, blurry vision,  
and blood shot red eyes.

P.III) On Apr. 1 30, 08 at about 8:30 pm  
LT. Peter Forbes had numerous (10) officers  
respond to SHU 17 (A) unit only; even though  
there were no alarms sounding off, no electrical  
outages, or any other specific reason for said  
staff members to wear gas masks as they  
entered SHU 17 (A) unit.

P.2)

PIV) as the responding staff members entered SHU 17 (A) unit, they gave particular close attention to my assigned cell, SHU 17 (A) L1, (To see if I had been overwhelmed by the pharmaceutical drugs Sodium Thiopental (the anesthetic), Pancuronium Bromide (the paralyzing agent), and Potassium Chloride, (the drug that actually caused death by heart attack.). At this time I request from LT. Peter Forbes that I be allowed to ~~remain~~ be checked by a nurse, but LT Peter Forbes refused to adhere to my verbal request, even after I explained the aforementioned symptoms to him!

P.V) at or about 5:00 AM May 1, 08 the Nurse did medication pass on SHU 17 (A) unit, and at that time I informed Sgt Jack Evans of my aforementioned symptoms, but Sgt Jack Evans did not allow the nurse to stop at my assigned cell SHU 17 (A) L1, to check my vital.

P.VII less than one hour Sgt Jack Evans (P3) and Yo Tilgman came onto the SHU 17 (A) unit to serve breakfast; minutes after I ate the breakfast that Sgt Jack Evans served me personally, my heart began to hurt in a very painful manner, in conjunction with the aforementioned symptoms, I was in a dire state of near death!

P.VIII.) As soon as possible the next shift, because after breakfast, the 12 to 8 shift did not re-enter the unit, I informed Yo Turner and Sgt K. Travis of my dilemma. I was thereafter informed that nurse Betty Bryant was notified but didn't respond. At or about 11:45 AM May 1, 08 I informed CPL K. ~~Burley~~ Burley, Yo Turner and Sgt K. Travis that I was in serious need of a nurse, and that I wanted to speak with staff LT. K. Hawkins and a mental health clinician.

P.VIII.) CPL K. Burley, Sgt K. Travis and Yo Turner shackled & Handcuffed me, and placed me into SHU 17 (A) units interview room. After a brief comprehensive interview, Clinician Queeny contacted Dr Cannelli and I was classified for a higher level of observation.

P.T.) less than ten minutes thereafter,  
I collapsed due to the aforementioned  
symptoms. of light headedness, ~~consciousness~~ loss  
not being able to breath, blurry vision,  
blood shot red eyes, nausea, ~~disorientation~~  
and severe heart pain! ~~disorientation~~  
The officers could not locate ~~a~~ pulse and/or  
any heart activity. Moments later, I revived  
and both C/S Turnes and Nurse Betty Bryant whom  
had finally arrived after numerous ~~other~~ calls,  
observed that my heart rate was extremely  
elevated, and ~~disorientation~~ the oxygen in  
my blood was extremely low. I was there  
after transferred to the D.C.C infirmary.

P.T.) I was admitted into the D.C.C infirmary  
with a blood pressure reading 210/110 enough  
to cause stroke, and blood oxygen level of 96%  
for which indicates that my oxygen in my blood  
was flowing properly. My blood pressure has never  
been as high as 210/110, nor has my blood oxygen  
level ever been 96%. During the course of  
my stay in the D.C.C infirmary May 1, 08 thru -  
May 22, 08 Dr Kimberly Watson psychologist  
documented my claims, as well as the nursing  
staff and other medical staff members.

PXI) on from day one I requested that Dr Dale Rogers have me submit blood for a toxicology examination ~~to~~ to determine if the pharmaceutical drugs, i.e., Sodium Thiogenthal, (the anesthetic), Pancuronium Bromide, (the paralyzing agent), and Potassium Chloride, (the drug that actually causes death by way of inducing heart attack); was indeed in my system; but Dr Rogers refused to adhere, even though the symptoms supported my request. (medical grievances were submitted in regards to this matter).

Subsequently, Dr Rogers did order a CMP for cholesterol, enzymes, etc.

PXII.) Due to being in a state of duress due to being distraught by the Sgt Jack Evans and % T. Igman giving me the ingredients of an ~~lethal~~ lethal injection, for which is intended for a "I. S. D. P." inmate sentenced to death penaltly, for which I am not, I remained in the D.C.C infirmary; ~~where I am held under 24 hour confinement, no outside recreation, and unable to respond to legal notices, or use the telephone unlike other infirmary inmates.~~

P&H) On May 22, 08 at about 2:30 pm P.6.)

LT. Godwin, % Jelliffe to Mills and at least five D.CC Correctional officers came to my assigned cell, INT D 191. I was under the impression that, they were intending to take me to execute me. LT. Godwin sprayed me with capstar and I exited cell D. 191 in a security anti-suicide gown, and thereafter I was taken to SHU 17 and placed in handcuffs and shackles with blackbox; and put into the SHU 17 barbershop for 24 hours, for which Nurse Cetina helped security put me in restraints, i.e., the tube, patient no. 5.551.086 made in USA, for which caused me tremendous pain and suffering due to said shackles and handcuffs cutting into my tissue, muscles, nerves, bones and causing me edema. The effects of the capstar, not being able to breath - burning skin and eyes persisted for at least three days, and the effects of the shackles and handcuffs with blackbox persisted for at least two weeks. This was also done to inmate Thomas Gordon, who was transferred from the D.CC infirmary, to SHU 19, barbershop. (This occurred from 5:00 pm may 22, 08 thru 5:00 pm may 23, 08; i.e. The barbershop incident").

P&IV) Furthermore, on May 23, 08 at 5:00 pm P.7

I was placed into SHU 17 cell, and on May 29, 08 at or about 9:00 Am my assigned cell door was opened in order to allow another inmate into my assigned cell to do me physical harm.

I was given a disciplinary code violation, for exiting my assigned cell and requesting to speak with the housing unit LT, due to my protective custody status being in jeopardy. I was not provided with the disciplinary report, for which I made LT. Larry Savage fully aware of, but he still gave me sanction; nor was I allowed to appeal.

P&V) On June 18, 08 ~~numerous D.O.C officials~~ Numerous D.O.C officials conducted another tour of SHU 17, Thereafter ~~happened~~ during the early morning of June 19, 08 at or about 5:30 Am Sgt Jack Evans ad % T. Igman came onto SHU 17 (C) unit to serve breakfast; Sgt Jack Evans again served me breakfast that minutes later caused my heart to hurt in a very painful manner; light headedness; nauseated, throbbing headache, blurry vision, blood shot red eyes, etc. I am treated as a I.S.D.P, inmate sentenced to death penalty

(P.8)

P&H) Subsequently, on June 19, 08 while I was in the shower on STU 17 (C) unit, the shower door was opened by Yo Tilgman at or about 6:00 AM, along with STU 17 CL3 & CL4. I exited the shower and immediate requested Sgt L. David to contact the housing LT. LT. Burmann and LT Sessions responded to STU 17 (C) unit along with "Q.R.T" Quick Response Team. I was escorted to my assigned cell STU 17 C411, where I gave LT Sessions a notation regarding my dilemma with Sgt Jack Evans and Yo Tilgman that were also forwarded to DCC Warden Phelps.

See notation to D.C.C. Warden Phelps.  
Grievance #'s 158374, 158378, 158379, 158376, 160192, 160630, 160287, 160628, 157145, 160547, 160190 as well as all other grievance I filed since May 1, 08 up to date.

See also, disciplinary report # 1041130, 1041302, and 1041107. This is being done to me because I filed civil action complaint no's 04-1350 GMS, 05-013 GMS, and 06-778 GMS. Violation of my rights under 11 DEC C; 6502, 6504, 6517, 6524, 6525, 6531, ~~6536~~ 6536  
Violation of my rights under the 1ST, 8TH AND 14TH U.S.C.A RIGHTS.

PXVII)

P.9.)

Furthermore, I realize that I am represented by counsel; i.e., J. Cog Falgowski and Katherine V. Jackson; but the defendants refuse to allow them to enter the D.C.C. for our initial interview and conference, after waiting three weeks to do so, dating June 3, 08 thru June 24, 08.

PXVIII) I aforementioned gives reason why I filed this 3<sup>rd</sup> motion for preliminary injunction Pro Se. It seems to me that the defendants need more time to try and successfully administer the lethal drugs to me; before my appointed counselor can legally interview. See attached memo as exhibit.

Violation of my 1<sup>st</sup> USCA Right.

(P.10)

P.XIX.)

Being distraught about being given the pharmaceutical drugs, I have wrote no tations and filed grievances, while continuously seeking more tangible answers on 6/25/08 nurse Betty Bryant stopped at my assigned cell S.I.H.U 17, C.U.U during her med pass and passed me what I first thought to be a sick call request slip, for which it was, but it contained a message that stated, Quote. At first I thought you were lying, but I over heard a few officers say that the lethal injection mixture doesn't work the same in food, if we give him to much, I know it will be detected, Fuck him, he's a snitch ass homosexual pedophile anyway! Who? Dannie Lewis, ~~unquote~~. So for your information here are the names of the drugs that to the I.S.D.P, inmates sentenced to death penalty. Sodium Thiopenthal, (the anesthetic), Pancuronium Bromide, (The paralyzing agent) and Potassium Chloride, (the drug that actually causes death, unquote).

\* RELief sought:

- 1) a Toxicology examination of my blood, to check for the presence of Sodium Thiomgenthal (the anesthetic), Pancuronium Bromide (The paralyzing agent), Potassium Chloride (the drug that causes death); and or any other toxic chemical or pharmaceutical drug.
- 2) To be transferred to a facility out side the reach and or influence of the defendants.
- 3) For the Honorable court to enact what ever condition it deems necessary and or that is applicable.

CERTIFICATE OF SERVICE

I, THE UNDERSIGNED PLAINTIFF Jimmie Lewis  
DUE HEREBY CERTIFY ON THIS 25<sup>TH</sup> DAY OF JUNE,  
2008, THAT I DID MAIL ONE TRUE AND CORRECT  
COPY OF THE MOTION FOR PRELIMINARY INJUNCTION  
#3, PURSUANT TO FED R. CIV P# 65, TO EACH OF  
THE FOLLOWING :

THE CLERK OF THE COURT (6ms)

U.S DISTRICT COURT

844 N. KING ST, LOCKBOX 18

WILMINGTON, DE 19801

ERIKA Y. TROPS

DEPT OF JUSTICE

CIVIL DIVISION

820 N. FRENCH ST

6TH FL

WILM, DE 19801

DATE: 6/25/08

Jimmie Lewis  
Jimmie Lewis  
SBI # 506622  
D.C.C.  
1181 Paddock RD  
Smyrna, DE 19971

**GRIEVANCE REPORT****OFFENDER GRIEVANCE INFORMATION**

<b>Offender Name :</b> LEWIS, JIMMY	<b>SBI#</b> : 00506622	<b>Institution</b> : DCC
<b>Grievance #</b> : 160630	<b>Grievance Date</b> : 05/30/2008	<b>Category</b> : Individual
<b>Status</b> : Non Grievable	<b>Resolution Status</b> :	<b>Resol. Date</b> :
<b>Grievance Type:</b> Hygiene/Sanitation	<b>Incident Date</b> : 05/29/2008	<b>Incident Time</b> :
<b>IGC</b> : Dutton, Matthew	<b>Housing Location</b> : Bldg 17, Upper, Tier C, Cell 11, Single	

**OFFENDER GRIEVANCE DETAILS**

**Description of Complaint:** The soap that is known being utilized by DCC does not have any manufactured distribution label identification stamped on it, contains chemicals that are toxic and poses an immediate danger to my circulatory, nervous, respiratory and reproductive systems due to said toxins in conjunction slowly deteriorating my aforementioned systems. Inmates housed on SHU 17 C unit all agree, that the soap smells like chemicals.

**Remedy Requested** : For this matter to be investigated, to be provided with the manufacturer of the soap who is responsible for purchasing the soap, and for the soap to be changed to a different brand that is not toxic.

**INDIVIDUALS INVOLVED**

Type	SBI #	Name

**ADDITIONAL GRIEVANCE INFORMATION**

<b>Medical Grievance</b> : NO	<b>Date Received by Medical Unit</b> :
<b>Investigation Sent</b> :	<b>Investigation Sent To</b> :
<b>Grievance Amount</b> :	

**DCC** Delaware County Mental Center  
 Smyrna Lane, P.O. Box 1000  
 Smyrna, DE 19971  
 Phone Number: 302-845-1500

Date: 06/12/2008

**GRIEVANCE REPORT****OFFENDER INFORMATION****Offender Name :** LEWIS, JIMMY**Grievance # :** 160287**Status :** Withdrawn**Grievance Type:** Health Issue (Medical)**IGC :** Dutton, Matthew**SBI# :** 10706622**Grievance Date :** 06/21/2008**Report Date :****Resol. Date :** 06/21/2008**Incident Time :****Location :** 17, Upper, Tier C, Cell 11, Single**OFFENDER INFORMATION**

**Description of Complaint:** Inmate claims: Being held in a tier C cell while being provided upon medical care and correspondence while being held in a tier C cell.

**Remedy Requested :** For this matter to be investigated for abuse - I am held in a tier C cell while being provided upon medical care and correspondence while being held in a tier C cell.

**Institution :** DCC**Category :** Individual**Incident Time :****Location :** 17, Upper, Tier C, Cell 11, Single

1 hrs illumination, no outside recreation and not been allowed to exercise or denied the opportunity to send legal correspondence. Being held in a tier C infirmary violates my 1st USCA right.

Abuse and mistreatment of my rights under 11 Dec 14th USCA rights.

**INDIVIDUALS INVOLVED****Type****SBI #****ADDITIONAL INFORMATION****Medical Grievance :** YES**Investigation Sent :** 06/04/2008**Grievance Amount :****ACTION****Action Taken :** 06/04/2008**Officer :** Moore, Ronnie

**DCC Delaware Correctional Center**  
**Smyrna Landing Road**  
**SMYRNA DE, 19977**  
**Phone No. 302-653-9261**

Date: 06/10/2008

**GRIEVANCE REPORT****OFFENDER GRIEVANCE INFORMATION**

<b>Offender Name :</b> LEWIS, JIMMY	<b>SBI#</b> : 00506622	<b>Institution</b> : DCC
<b>Grievance #</b> : 160628	<b>Grievance Date</b> : 05/30/2008	<b>Category</b> : Individual
<b>Status</b> : Non Grievable	<b>Resolution Status</b> :	<b>Resol. Date</b> :
<b>Grievance Type:</b> Disciplinary	<b>Incident Date</b> : 05/21/2008	<b>Incident Time</b> :
<b>IGC</b> : Dutton, Matthew	<b>Housing Location</b> : Bldg 17, Upper, Tier C, Cell 11, Single	

**OFFENDER GRIEVANCE DETAILS**

**Description of Complaint:** During my admission in the infirmary while prescribed to be on psych close observation level 2, for which prohibits any sharp items such as pens, sporks, razors etc, I was wrote up by C/O Clinton Gillis Dr #1041107, for ripping half of the outer lining out of a safety suicide gown, for which is designed to prevent ripping in order to protect from suicide attempts, that is, if the suicide gowns aren't suicide proof?

**Remedy Requested** : For this matter to be investigated to determine exactly how I was, able to do the aforementioned damage to a suicide gown while on psych close observation level 2 security watch?

**INDIVIDUALS INVOLVED**

Type	SBI #	Name
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**ADDITIONAL GRIEVANCE INFORMATION**

**Medical Grievance** : NO                              **Date Received by Medical Unit** :

**Investigation Sent** :                              **Investigation Sent To** :

**Grievance Amount** :

**DCC Delaware Correctional Center**  
**Smyrna Landing Road**  
**SMYRNA DE, 19977**  
**Phone No. 302-653-9261**

**Date:** 06/10/2008

## GRIEVANCE REPORT

### OFFENDER GRIEVANCE INFORMATION

<b>Offender Name :</b> LEWIS, JIMMY	<b>SBI#</b> : 00506622	<b>Institution</b> : DCC
<b>Grievance #</b> : 157145	<b>Grievance Date</b> : 04/22/2008	<b>Category</b> : Individual
<b>Status</b> : Withdrawn	<b>Resolution Status</b> :	<b>Resol. Date</b> :
<b>Grievance Type:</b> Telephone	<b>Incident Date</b> : 04/10/2008	<b>Incident Time</b> :
<b>IGC</b> : Dutton, Matthew	<b>Housing Location</b> : Bldg 17, Upper, Tier C, Cell 11, Single	

### OFFENDER GRIEVANCE DETAILS

**Description of Complaint:** Inmate Claims: It is the DCC SOP for inmates to fill out a legal telephone call request SOP, form #883 in order to be allowed to make legal telephone calls. The dilemma is that I fill out form #883 on numerous occasions, but I'm never allowed to utilize the phone to call my attorney's Michelle Nardozzi, John Sedinger or Coughry and Lindsey LLC. I am denied legal telephone calls, unlike other inmates.

**Remedy Requested** : To be provided with who is responsible for my being denied legal phone calls, why, and what I need to do to ensure that I have proper access to my attorneys via telephone.

### INDIVIDUALS INVOLVED

Type	SBI #	Name
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### ADDITIONAL GRIEVANCE INFORMATION

<b>Medical Grievance</b> : NO	<b>Date Received by Medical Unit</b> :
<b>Investigation Sent</b> :	<b>Investigation Sent To</b> : Hawkins, Karen D
<b>Grievance Amount</b> :	

DCC Delaware Correctional Center  
 Smyrna Landing Road  
 SMYRNA DE, 19977  
 Phone No. 302-653-9261

Date: 06/09/2008

**GRIEVANCE REPORT****OFFENDER GRIEVANCE INFORMATION**

<b>Offender Name :</b> LEWIS, JIMMY	<b>SBI#</b> : 00506622	<b>Institution</b> : DCC
<b>Grievance #</b> : 160547	<b>Grievance Date</b> : 05/21/2008	<b>Category</b> : Individual
<b>Status</b> : Non Grievable	<b>Resolution Status</b> :	<b>Resol. Date</b> :
<b>Grievance Type:</b> Classification	<b>Incident Date</b> : 05/21/2008	<b>Incident Time</b> :
<b>IGC</b> : Dutton, Matthew	<b>Housing Location</b> : Bldg 17, Upper, Tier C, Cell 11, Single	

**OFFENDER GRIEVANCE DETAILS**

**Description of Complaint:** Inmate claims: The 13th U.S.C.A has granted my custodians the legal authority to hold me captive under Delaware Law here at DCC, without the ability to grieve my classification status, my classification to the SHU, Disciplinary reports and procedures, for which has denied me my well established liberty interest right to rehabilitative treatment and or therapy or job training through out the course of my incarceration, for which has lead me down the path of the inevitable, i.e., habitual recidivism.

**Remedy Requested** : For this matter to be investigated for abuse, neglect - mistreatment in violation of my 1st, 4th, 6th, 8th and 14th usca rights as well as my rights under 11 DEL C 6502, 6504, 6517, 6525, 6536, 6524, 6535

**INDIVIDUALS INVOLVED**

Type	SBI #	Name
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**ADDITIONAL GRIEVANCE INFORMATION**

<b>Medical Grievance</b> : NO	<b>Date Received by Medical Unit</b> :
<b>Investigation Sent</b> :	<b>Investigation Sent To</b> :
<b>Grievance Amount</b> :	

**GRIEVANCE****OFFENDER INFO****Offender Name :** LEWIS, JIMMY**Grievance # :** 160190**Status :** Withdrawn**Grievance Type:** Medical Staff**IGC :** Dutton, Matthew**OFFENDER**

**Description of Complaint:** Inmate Claims: See inside the SHU 17 bar. This was done to inflict pain. It helped secure the restraint. It was done to me, said restraint. Edema.

**Remedy Requested :** For this matter to be investigated. 6502, 6504, 6517, 6536,

**INDIVIDUALS INVOLVED**

Type	SBI #

**ADDITIONAL INFO****Medical Grievance :** YES**Investigation Sent :** 06/03/2008**Grievance Amount :****INSTITUTION****Institution :** DCC**Category :** Individual**Resol. Date :****Incident Time :** 17:00**Location :** 17, Upper, Tier C, Cell 11, Single**Room # :**

me in handcuffs and shackles with black box. Cellina's instruction to do so for 24 hours. for no medical reason. Nurse Celina even no. 5.551.086 made in USA. Why was this to, muscles, nerves, bones, and caused me

act and mistreatment in violation of 11 DEL C 8th USCA rights.

**PERSONNEL****Investigating Unit :** 06/03/2008**Investigator :** Moore, Ronnie

**GRIEVANCE**

OFFENDER INFORMATION	
Offender Name :	LEWIS, JIMMY
Grievance # :	160192
Status :	Withdrawn
Grievance Type:	Health Issue (Medical)
IGC :	Dutton, Matthew

**OFFENDER INFORMATION**

**Description of Complaint:** Inmate Claims: On 5/1/08 I was receiving a package through the mail that caused me to have to gasp for oxygen due to my heart to start to throb, and my eyes to a hurt. I was admitted into the DCC infirmary due to my heart condition. I was given my tissue my hair and blood work done which was drawn on 5/12/08.

**Remedy Requested :** To be provided with lab results, to ensure that my health is ok. grievance #'s 158374, 1

ACTION	
6622	Institution : DCC
4/2008	Category : Individual
3/2008	Resol. Date :
17, Upper, Tier C, Cell 11, Single	Incident Time :

I was compelled into a state of duress after receiving a package through the mail that caused me to become light headed. Each gasp of oxygen I took caused my head to hurt. Subsequently on 5/1/08 I was admitted into the infirmary due to the toxic fumes for which saturate my brain, and the doctors ordered a CMP order for my blood work, for which I was given my tissue my hair and blood work done which was drawn on 5/12/08.

On 5/12/08 I received a copy of the CMP blood results from Bioreference Laboratories. My rights aren't violated see also, CA no. 06-778, D.R. #1041107.

**INDIVIDUALS INVOLVED**

Type	SBI #
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**ADDITIONAL INFORMATION**

Medical Grievance : YES

Investigation Sent : 06/03/2008

Grievance Amount :

ACTION	
Local Unit :	06/03/2008
	: Moore, Ronnie

# ReedSmith

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June 3, 2008

Jimmie Lewis  
SBI#506622  
Delaware Correctional Center  
1181 Paddock Road  
Smyrna, DE 19977

**Civil Case Nos. 05-13 (GMS) and 06-778 (GMS)**

Dear Mr. Lewis:

Ms. Jackson and I have received your letter dated May 24, 2008. We have arranged an initial conference with you at the D.C.C. on Tuesday, June 24, 2008. If you will be unavailable to meet on that date for any reason, please let us know. In the meantime, per your request, enclosed please find updated docket sheets for the above-referenced civil actions. Also enclosed is a copy of Chief Judge Sleet's Memorandum Order denying the motion for a preliminary injunction. We will discuss these matters in detail during our initial conference. We look forward to speaking with you on June 24<sup>th</sup>.

Very truly yours,



J. Cory Falgowski

JCF:dkk  
Enclosures  
cc: Katharine V. Jackson, Esq.



*Clerk of the Court (GMS)*  
UNITED STATES DISTRICT COURT  
844 N. KING ST. LOCKBOX 18  
WILMINGTON, DELAWARE  
19801

I/M: Jimmie Lewis  
SB# 506622 UNIT #17, cell  
DELAWARE CORRECTIONAL CENTER  
1181 PADDOCK ROAD  
SMYRNA, DELAWARE 19977